

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	1

MR. SPEAKER:

*Your Committee on Technology, Research and Development, to which was referred House Bill 1204, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 8-1-34-17, AS AMENDED BY P.L.1-2007,
4 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 17. (a) Not later than fifteen (15) business
6 days after the commission receives an application under section 16 of
7 this chapter, the commission shall determine whether the application
8 is complete and properly verified. If the commission determines that
9 the application is incomplete or is not properly verified, the
10 commission shall notify the applicant of the deficiency and allow the
11 applicant to resubmit the application after correcting the deficiency. If
12 the commission determines that the application is complete and
13 properly verified, the commission shall issue the applicant a certificate
14 of franchise authority. A certificate issued under this section must

1 contain:

2 (1) a grant of authority to provide the video service requested in
3 the application;

4 (2) a grant of authority to use and occupy public rights-of-way in
5 the delivery of the video service, subject to:

6 (A) state and local laws and regulations governing the use and
7 occupancy of public rights-of-way; and

8 (B) the police powers of local units to enforce local ordinances
9 and regulations governing the use and occupancy of public
10 rights-of-way; ~~and~~

11 (3) a statement that the authority granted under subdivisions (1)
12 and (2) is subject to the holder's lawful provision and operation of
13 the video service; **and**

14 **(4) a statement that the authority granted under subdivisions**
15 **(1) and (2) is subject to an emergency video override**
16 **ordinance adopted by a unit under IC 36-1-4-20.**

17 (b) Except as provided in subsection (c) and sections 16(c) and 28
18 of this chapter, the commission may not require a provider to:

19 (1) satisfy any build-out requirements;

20 (2) deploy, or make investments in, any infrastructure, facilities,
21 or equipment; or

22 (3) pay an application fee, a document fee, a state franchise fee,
23 a service charge, or any fee other than the franchise fee paid to a
24 local unit under section 24 of this chapter;

25 as a condition of receiving or holding a certificate under this chapter.

26 (c) This section does not limit the commission's right to enforce any
27 obligation described in subsection (b) that a provider is subject to
28 under the terms of a settlement agreement approved by the commission
29 before July 29, 2004.

30 (d) The general assembly, a state agency, or a unit may not adopt a
31 law, rule, ordinance, or regulation governing the use and occupancy of
32 public rights-of-way that:

33 (1) discriminates against any provider, or is unduly burdensome
34 with respect to any provider, based on the particular facilities or
35 technology used by the provider to deliver video service; or

36 (2) allows a video service system owned or operated by a unit to
37 use or occupy public rights-of-way on terms or conditions more
38 favorable or less burdensome than those that apply to other

1 providers.
 2 A law, a rule, an ordinance, or a regulation that violates this subsection
 3 is void.".

4 Page 3, between lines 8 and 9, begin a new paragraph and insert:

5 "SECTION 3. IC 36-1-4-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as
 7 provided in subsection (b), this chapter applies to all units.

8 (b) ~~Section~~ **Sections 11 and 20** of this chapter ~~does~~ **do** not apply to
 9 townships.

10 SECTION 4. IC 36-1-4-20 IS ADDED TO THE INDIANA CODE
 11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: **Sec. 20. (a) As used in this section, "emergency**
 13 **video override" means the interruption of video programming**
 14 **with:**

15 (1) **video programming on at least one (1) channel; and**
 16 (2) **an audio message on all channels simultaneously;**
 17 **created to alert viewers of an emergency or a disaster.**

18 (b) **As used in this section, "franchise holder" refers to:**

19 (1) **a holder of a certificate of franchise authority issued by**
 20 **the Indiana utility regulatory commission under IC 8-1-34-17;**
 21 **or**
 22 (2) **a holder of a local franchise (as defined in IC 8-1-34-8)**
 23 **that is in effect on March 14, 2008.**

24 (c) **A unit that is included, in whole or in part, in the service**
 25 **area of a franchise holder may adopt an ordinance requiring the**
 26 **franchise holder to provide the unit with the equipment necessary**
 27 **to allow the unit to provide both:**

28 (1) **visual and auditory emergency information; and**
 29 (2) **instructions to viewers;**
 30 **during an emergency or a disaster through an emergency video**
 31 **override.**

32 (d) **An ordinance adopted under this section may set forth rules**
 33 **and procedures for the operation of the emergency video override,**
 34 **including activation points."**

- 1 Page 3, after line 14, begin a new paragraph and insert:
- 2 "SECTION 6. **An emergency is declared for this act.**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1204 as introduced.)

and when so amended that said bill do pass.

Representative Reske